

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JODY FORD McCREARY, #1694118	§	
VS.	§	CIVIL ACTION NO. 6:15cv1171
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Jody Ford McCreary, proceeding *pro se*, an inmate confined at the Polunsky Unit within the Texas Department of Criminal Justice (TDCJ), filed this petition for a writ of habeas corpus pursuant to § 2254 complaining of the legality of prison disciplinary measures taken against him while housed at the Michael Unit. The case was referred to the United States Magistrate Judge, the Honorable John D. Love.

On October 15, 2018, Judge Love issued a Report, (Dkt. #17), recommending that McCreary's petition be dismissed with prejudice. A copy of this Report was sent to McCreary at his address; return receipt requested. The docket illustrates that McCreary received a copy of the Report on October 22, 2018, (Dkt. #18). However, to date, no objections to the Report have been filed.

Accordingly, McCreary is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #17), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner's federal petition for a writ of habeas corpus is **DISMISSED** with prejudice. Petitioner McCreary is also denied a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions that may be pending in this cause of action are hereby **DENIED**.

So **ORDERED** and **SIGNED January 7, 2019**.



Ron Clark, Senior District Judge